



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAWRENCE M. LAVIN, JR.
MONSANTO COMPANY
MAILZONE E2NA
800 N. LINDBERGH BOULEVARD
ST. LOUIS, MO 63167

COPY MAILED

MAY 02 2005

OFFICE OF PETITIONS

In re Application of :
Philip W. Miller et al :
Application No. 09/692,257 : DECISION GRANTING PETITION
Filed: October 19, 2000 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 38-21(15771)B :

This is a decision on the petition under 37 CFR 1.137(b), filed January 26, 2005, to revive the above-identified application.

The petition is **GRANTED**.

THE TWO (2) MONTH PERIOD FOR FILING THE APPEAL BRIEF UNDER 37 CFR 41.37(a)(1), ACCOMPANIED BY THE FEE SET FORTH IN 37 CFR 41.20(b)(2), RUNS FROM THE DATE OF THIS DECISION. NOTE ALSO 37 CFR 1.136a).

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed March 18, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 19, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a Notice of Appeal (along with an amendment); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal Office action of March 18, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1637.



Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy